

P-421, 537/CP-90-2 GRANTING EXTENSION OF TIME

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Patrice Vick	Commissioner

In the Matter of a Petition for Extended Area
Service from the Federal Dam Exchange to
the Cass Lake and Bemidji Exchanges

ISSUE DATE: FEBRUARY 16, 1990

DOCKET NO. P-421, 537/CP-90-2

ORDER GRANTING EXTENSION OF
TIME

PROCEDURAL HISTORY

On January 3, 1990 telephone subscribers in the Federal Dam Exchange of the Johnson Telephone Company filed a petition under Minn. Rules, part 7815.0700, requesting Extended Area Service (EAS) between their exchange and the Cass Lake and Bemidji exchanges. Under Minn. Rules, part 7815.0800, affected telephone companies are to file traffic studies within 45 days of the filing of the petition. Under Minn. Rules, part 7815.0900, they are to file cost studies, proposed rates, and proposed tariffs within 50 days of the filing.

On January 24, 1990 Northwestern Bell Telephone Company filed a request for an extension of time until March 19, 1990 to make the required filings. On February 8, 1990 Johnson Telephone Company filed a similar request for an extension of time. The companies stated they required more time to develop the required filings, because more than the two exchanges contemplated in the EAS rules were involved.

No party opposed the companies' requests.

FINDINGS AND CONCLUSIONS

Since the due dates for these filings are set by rule, granting a time extension requires a rule variance. The Commission may grant a variance to any of its rules upon finding that the following conditions apply:

1. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;

2. Granting the variance would not adversely affect the public interest; and
3. Granting the variance would not conflict with standards imposed by law.

Minn. Rules, part 7830.4400.

The Commission finds that the requirements for granting a variance are met in this case. Enforcing the rule would impose an excessive burden upon the companies, by requiring them to make incomplete filings. Varying the time lines of the rule would not adversely affect the public interest. In fact, it would further the public interest by ensuring that the Commission had adequate information to evaluate the EAS petition at issue. Finally, granting the extension would not work to the detriment of any party or conflict with any standards imposed by law. The Commission will therefore vary the time lines set forth in Minn. Rules, parts 7815.0800-7815.0900.

ORDER

1. The provisions of Minn. Rules, parts 7815.0800-7815.0900 are varied to allow Northwestern Bell Telephone Company and Johnson Telephone Company to make the filings required thereunder on or before March 19, 1990.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Lee Larson
Acting Executive Secretary

(S E A L)